

j1060 U.S. PTO


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UTILITY PATENT APPLICATION TRANSMITTAL Under Small Entity Status (New Nonprovisional Applications Under 37 CFR § 1.53(b))	Attorney Docket No. <u>B8-024-01-US</u>
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jc997 U.S. PRO
10/086933

03/01/02

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of () application identifier or (X) first named inventor, Dean Klein, entitled Biocompatible Tissue for Therapeutic Use & Method of Making Same, for a(n):

- Original Patent Application.

Continuing Application (prior application not abandoned):

Continuation Divisional Continuation-in-part (CIP)
of prior application No: 09/814,339 Filed on: 3/21/2001

A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

- (X) Specification; 23 Total Pages. (X) Drawing(s); 1 Total Sheets.
(X) Oath or Declaration:
 A Newly Executed Combined Declaration and Power of Attorney:
 Signed. Unsigned. Partially Signed.
 A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).
 Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.
 Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

 Power of Attorney. Return Receipt Postcard.
 Associate Power of Attorney. A Check in the amount of \$ 642.00 for the Filing Fee.
 Preliminary Amendment. Information Disclosure Statement and Form PTO-1449.
 A Duplicate Copy of this Form for Processing Fee Against Deposit Account.
 A Certified Copy of Priority Documents (if foreign priority is claimed).
 Statement(s) of Status as a Small Entity.
 Statement(s) of Status as a Small Entity Filed in Prior Application, Status Still Proper and Desired.
(X) Other: Request for Express Abandonment Under 37 CFR 1.138; Nonpublication Request Under 35 U.S.C.

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	33	13	\$9.00	\$ 117.00
Independent Claims	4	1	\$40.00	\$ 40.00
Multiple Dependent Claims (if applicable)				\$0.00
Assignment Recording Fee				\$0.00
Basic Filing Fee				\$355.00
Petition Fee under 37 C.F.R. § 3.17(h)				\$130.00
			Total Filing Fee	\$ 642.00

Charge \$ _____ to Deposit Account 13-4300 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, please charge any fees required or credit any overpayment to this Deposit Account.

Respectfully submitted,
By: 
Christopher J. McLaughlin
Attorney of Record, Reg. No. 42869

Date: Feb. 28, 2002

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I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

By Auguste Rodin

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Date of Deposit: March 1, 2002

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NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor		Klein, et al.
	Title	Biocompatible Tissue for Therapeutic Use & Method of Making Same	
	Atty Docket Number		B8-024-01-US

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

2-28-2002

Date

Signature

Christopher J. McLaughlin, Reg. No. 42,869

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Customer No. 22854

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.10)

Express Mail Label No. EV 041928205 US

Date of Deposit: March 1, 2002

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service "Express Mail" Service under 37 CFR 1.10, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC. 20231

Susan J. Anderson
Name of Person Mailing Document

Susan J. Anderson
Signature

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231